

**CALFED BAY-DELTA PROGRAM
PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT
POLICY COMMENTS**

We have elsewhere delineated our areas of concern regarding the soundness of the subject environmental document in terms of its technical compliance with the requirements of CEQA and NEPA. In contrast, this document delineates our areas of concern regarding the soundness of the projects and programs encompassed therein as public policy. While the environmental documentation for these projects and programs may technically comply with the requirements of CEQA and NEPA the proposed projects and programs, in our opinion, fail to meet the standards of sound public policy. Our comments are as follows:

1. Many of the projects and programs, particularly the common elements, lack a nexus with the problems of the Delta. Many of these efforts would sap resources while not contributing significantly to overall success. Examples include the Water Quality and Water Use Efficiency programs, at least as proposed for implementation within the Sacramento River Region. In the context of limited resources, projects and programs should be tailored to optimize benefits.

Export Water Quality is certainly a problem. However, export water quality suffers the vast majority of its degradation within the Delta, as a result of contamination with seawater and organics. In comparison, non-point sources in the Sacramento River Region are insignificant.

Similarly, Water Use Efficiency can cost-effectively stretch limited water supplies, when rationally applied. Such measures must conserve "real" water, and must do so on a reasonably cost-effective basis. Within the Sacramento River Region, the proposed program fails on both counts. Wastewater discharges and agricultural return flows from Shasta County are reused many times and for many uses before they are finally "lost" to export areas or the sea. Water/wastewater systems with groundwater sources actually contribute to net river flows during critical summer months. There may be subtle timing issues related to water/wastewater systems with surface water sources, but these issues are pretty subtle, lacking the clear nexus with supply that potential Water Use Efficiency measures enjoy in most other areas of California.

2. Alternative 3 (Peripheral Canal) fails the "redirected impacts" solution principle with respect to water supplies. According to the environmental document, there will be favorable impacts to export water supplies for most of the alternative combinations. However, there will be adverse impacts to water supplies in the Sacramento River Region, unless the detrimental impacts resulting from additional export volumes and other CALFED actions are mitigated with additional upstream storage. Shasta County advocates for additional upstream storage to mitigate for adverse water supply impacts in the Sacramento River Region, in accordance with the solution principles.

3. Some of the common elements would be unacceptable to the public. Non-point pollutant source control as proposed in the CALFED environmental document would require a vast and intrusive regulatory enforcement mechanism. Compliance would be very complicated and expensive for individual property owners. The passive nature of non-point discharges and the lack of a clearly-discernable nexus with identified problems would make enforcement very problematic.

Similarly, implementation of Water Use Efficiency measures in the Sacramento River Region will not garner widespread local support. The Sacramento River Region is a difficult place to conserve "real" water; everything drains back to the river so low-flow toilets and other measures involving non-consumptive uses of the water have no net impact on the water supply. A thoughtful and strategically implemented conservation program might yield substantial and even impressive gains, in a few instances. However, the program as proposed would consist of heavy-handed state and federal mandates upon each and every local water purveyor. Some Shasta County water purveyors may be able to reduce their diversions through conservation; some may even find ways to conserve some "real" water. However, Shasta County water purveyors are typically very small operations and some of these districts will be unable even to effectively reduce diversions. These districts, under the programs delineated in the CALFED environmental document, would quickly find themselves between a rock and a hard place, forced to choose between curtailing valid, beneficial uses of water within their service areas, and severe penalties inflexibly meted out by distant state and federal agencies. "City Water" is the only public service available in many areas of Shasta County and so many of these districts enjoy widespread grassroots participation in their management. In such communities, the proposed, heavy-handed approach will not find widespread public support.

4. Beneficiaries have not been identified to pay for the Water Quality program and other common elements. Non-point discharge limitations would be very expensive to implement and the costs would apparently be borne by individuals and small businesses. The major stakeholders are understandably hesitant to pay for the measures because they have not been associated with substantial benefits. If there are benefits to be gained from the program then there must, by definition, be beneficiaries; these beneficiaries should pay for them. If beneficiaries cannot be identified, or if they are unwilling to pay for them, then the program should not be pursued.
5. We have serious doubts about assurances. Assurances associated with historical water development have included physical facilities to serve areas of origin, and assurances written into law. Our experience has been that physical assurances are superior to written ones. For this reason, Shasta County would like "concrete" assurances, in the form of physical surface storage facilities, in place and operational prior to the construction of the bulk of the remaining facilities included in the final CALFED program.